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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,871	04/28/2006	Timothy P. Galante	60,469-109 PUS1; OT-5195	5419
64779 7590 06/23/2009 CARLSON GASKEY & OLDS 400 W MAPLE STE 350 BIRMINGHAM, MI 48009				
EXAMINER PICO, ERIC E				
ART UNIT 3654		PAPER NUMBER		
MAIL DATE 06/23/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/577,871

Applicant(s)

GALANTE ET AL.

Examiner

ERIC PICO

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the Appeal Brief filed on 3/24/2009, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/John Q. Nguyen/

Supervisory Patent Examiner, Art Unit 3654.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3. **Claim(s) 1 and 5** is/are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The term "near" in claim 1 is a relative term which renders the claim indefinite. The term "near" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim(s) 1-4, 6-11 and 13-16** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris et al. U.S. Patent No. 4926974.

7. **Regarding claim 1**, Walter discloses an elevator car assembly 10, comprising

8. a frame;

9. at least one cabin door 24 supported for guided movement relative to the frame;

10. a door mover 62 for moving the cabin door 24 between open and closed positions, the door mover 62 being supported by the frame near an edge of the cabin door 24; and

11. an interlock 60 for simultaneously moving a corresponding hoistway entrance door 12 with the cabin door 24, the interlock 60 being positioned near the edge of the cabin door 24.
12. Morris et al. is silent concerning the door mover being supported by the frame near a lower edge of the cabin door; and the interlock being positioned near the lower edge of the cabin door.
13. It would have been obvious to one of ordinary in the art at the time of the invention was made to support the door mover disclosed by Morris et al. near a lower edge of the cabin door and position the interlock disclosed by Morris et al. near the lower edge of the cabin door, since it has been held that rearranging parts of an invention involves only routine skill in the art *In re Japiske*, 86 USPQ 70.
14. **Regarding claim 2 and 9**, Morris et al. discloses a sill member 20 beneath the cabin door 24 and wherein the door mover 62 and the interlock 60 are supported.
15. Morris et al. is silent concerning wherein the door mover and the interlock are supported beneath the sill.
16. It would have been obvious to one of ordinary in the art at the time of the invention was made to support the door mover disclosed by Morris et al. beneath the sill and support the interlock disclosed by Morris et al. beneath the sill, since it has been held that rearranging parts of an invention involves only routine skill in the art *In re Japiske*, 86 USPQ 70.

17. **Regarding claim 3 and 10**, Morris et al. discloses wherein the sill member 20 is located beneath the cabin door 24 and supported by the frame at least partially in a plane containing the cabin door 24.

18. **Regarding claim 4 and 11**, Morris et al. discloses the sill member 20 includes a groove 21 that receives a portion 52, 54 of the car door 24 to guide movement of the lower portion of the car door 24 as the car door moves 24 between the open and closed positions.

19. **Regarding claim 6 and 13**, Morris et al. discloses wherein the door mover 62 is supported.

20. Morris et al. is silent concerning wherein the door mover is supported beneath the cabin door.

21. It would have been obvious to one of ordinary in the art at the time of the invention was made to support the door mover disclosed by Morris et al. beneath the cabin door, since it has been held that rearranging parts of an invention involves only routine skill in the art *In re Japiske*, 86 USPQ 70.

22. **Regarding claim 7 and 14**, Morris et al. discloses wherein the interlock 60 is supported.

23. Morris et al. is silent concerning wherein the interlock is supported beneath the cabin door.

24. It would have been obvious to one of ordinary in the art at the time of the invention was made to support the interlock disclosed by Morris et al. beneath the cabin

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door, since it has been held that rearranging parts of an invention involves only routine skill in the art *In re Japiske*, 86 USPQ 70.

25. **Regarding claim 8** Morris et al. discloses an elevator door assembly 24, comprising:

26. a car frame having a rail 22 and a sill 20;

27. at least one car door 24 supported for movement along the rail 22 and the sill 20 between an open and a closed position;

28. a door mover 62 supported near an edge of the car door 24;

29. an entrance door frame having a header and a sill that are adapted to be supported in a fixed position near an opening to a hoistway;

30. at least one hoistway door 12 supported for movement relative to the header and door frame sill between open and closed positions; and

31. an interlock 60 that couples the car door 24 to the hoistway 12 door such that the car door 24 and the hoistway door 12 move together responsive to the door mover 62, the interlock 60 being supported near the door mover 62.

32. Morris et al. is silent concerning a door mover supported near a lower edge of the car door.

33. It would have been obvious to one of ordinary in the art at the time of the invention was made to support the door mover disclosed by Morris et al. near a lower edge of the car door, since it has been held that rearranging parts of an invention involves only routine skill in the art *In re Japiske*, 86 USPQ 70.

34. **Regarding claim 15 and 16**, Morris et al. discloses wherein the door mover is closer to the lower edge of the car door than an upper edge of the car door.
35. Morris et al. is silent concerning wherein the door mover is closer to the lower edge of the car door than an upper edge of the car door.
36. It would have been obvious to one of ordinary in the art at the time of the invention was made to position the door mover disclosed by Morris et al. closer to the lower edge of the car door than an upper edge of the car door, since it has been held that rearranging parts of an invention involves only routine skill in the art *In re Japiske*, 86 USPQ 70.
37. **Claim(s) 5 and 12** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris et al. U.S. Patent No. 4926974 as applied to claim 1 above, and further in view of Shalit U.S. Patent No. 4893435.
38. **Regarding claim 5 and 12**, Morris et al. discloses the portion 52, 54 of the car door 24 extends through the groove 21 in the sill member 20.
39. Morris et al. is silent concerning the mover is coupled with the extending car door portion such that the mover selectively moves the car door.
40. Shalit teaches the portion of the door 14, 15 extends through the groove 20, 21 in the sill member 19 and the mover 10 is coupled with the extending door portion such that the mover 10 selectively moves the door 14, 15.
41. It would have been obvious to one of ordinary skill in the art at the time of the invention to couple the mover with the extending car door portion as taught by Shalit

such that the mover selectively moves the car door disclosed by Kurimoto to facilitate the opening and closing of the car door.

Response to Arguments

42. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

43. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC PICO whose telephone number is (571)272-5589. The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Nguyen can be reached on 571-272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/John Q. Nguyen/
Supervisory Patent Examiner, Art Unit 3654

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